

Message Text

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60

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 STR-04 CIAE-00 COME-00 DODE-00

DOT-00 FMC-01 INR-07 NSAE-00 CG-00 OFA-01 DLOS-04

L-03 PM-04 NSC-05 SP-02 SS-15 INRE-00 SSO-00 NSCE-00

OMB-01 /061 W

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O 212120Z JAN 76

FM AMEMBASSY GUATEMALA

TO SECSTATE WASHDC IMMEDIATE 9736

LIMITED OFFICIAL USE GUATEMALA 0411

EO 11652: N/A

TAGS: EWWT GT

SUBJECT: DELTA/FLOMERCA DISPUTE - WORDING OF FMC REGULARION

REF: 75 STATE 287301, EMBASSY MEMO TO ARA/CEN 8/12/75

GUATEMALA 0410, 75 GUATEMALA 7067

1. IF FMC REGULATION HAS TO BE
IMPLEMENTED FEBRUARY 14 INSTITUTING EQUALIZATION MESURE
ON EXONERATED CARGO CARRIED BY GUATEMALAN-FLAG AND ASSO-
CIATED LINES FROM US, EMBASSY RECOMMENDS IMMEDIATE CON-
SIDERATION OF FOLLOWING CHANGES IN TEXT OF REGULATION
(REF. A).

A. TEXT DOES NOT LIST ALL GUATEMALAN-FLAG LINES IN
EXISTENCE WHICH ALSO IN US/GUATEMALA TRADE. OMITTED IS
THE THIRD AND LAST SUCH LINE, LINEAS MARITIMAS GUATE-
MALTECAS (SEE REF. B). EMBASSY THINKS IT WOULD BE DIS-
CRIMINATORY NOT TO INCLUDE LMG.

B. REF. C RAISES POSSIBILITY OF DELTA ITSELF BEING CON-
SIDERED AN ASSOCIATED LINE BY REASON OF POOLING AGREEMENT
WITH FLOMERCA. IT IS HYPOTHETICALLY POSSIBLE THAT OTHER
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US-OR THIRD COUNTRY-FLAG LINES MIGHT ASSOCIATE THEM-

SELVES WITH FLOMERCA. RECOMMEND - AGAIN IN THE INTEREST OF NON-PREFERENTIAL TREATMENT TO LINES NOT SPECIFIED IN TEXT OF REGULATIONS - THAT TEXT BE REVISED TO INCLUDE CHARGES ON LINES (REGARDLESS OF NATIONALITY) WITH WHICH IT IS SUBSEQUENTLY FOUND FLOMERCA HAS CONCLUDED ASSOCIATION AGREEMENT.

C. PARA 4, REF. D, POINTED OUT THAT FMC REGULATION DOES NOT RPT. NOT PROVIDE PRECISE EQUIVALENT OF SYSTEM OF PENALTIES EXACTED HERE. ACCORDING TO ARTICLE II, DECREE 41-71, EXEMPTIONS FROM PENALTY CAN BE GRANTED BY GOG IN VARIOUS CASES - FOR EXAMPLE WHEN GUATEMALAN OR ASSOCIATED LINES ARE NOT IN POSITION TO CARRY SPECIFIC EXONERATED CARGO; NO SUCH EXEMPTION PROVIDED IN SYSTEM OF CHARGES ON EXONERATED CARGO TO GO TO USG IN FMC REGULATION. IF REGULATION IS TO CONSTITUTE AN EQUALIZATION MEASURE, EMBASSY BELIEVES IT IMPORTANT THAT PARALLEL EXEMPTION BE GRANTED.

2. PLEASE ADVISE OF ANY CHANGE IN LANGUAGE OF FMC REGULATION ASAP. IF ANY OF FOREGOING RECOMMENDATIONS NOT ACCEPTED, EMBASSY WOULD APPRECIATE EXPLANATION SO THAT WE MIGHT BE IN POSITION TO JUSTIFY EQUITY OF FMC MEASURE IN EVERY DETAIL.
ANDREWS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DISCRIMINATION, MARITIME LAW, STEAMSHIP LINES
Control Number: n/a
Copy: SINGLE
Draft Date: 21 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: powellba
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976GUATEM00411
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760023-0427
From: GUATEMALA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760135/aaaabeze.tel
Line Count: 86
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 287301
Review Action: RELEASED, APPROVED
Review Authority: powellba
Review Comment: n/a
Review Content Flags:
Review Date: 19 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 JUL 2004 by ElyME>; APPROVED <25 OCT 2004 by powellba>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DELTA/FLOMERCA DISPUTE - WORDING OF FMC REGULARION
TAGS: EWWT, GT
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006